

JACK REESE, FRANCES ELAINE PIDDE,  
JAMES CICHANOFSKY, ROGER MILLER,  
GEORGE NOWLIN, and RONALD HITT,

V.

Defendants.

Hon. Steven D. Pepe, U.S. Mag. J.

*Yolton v. El Paso Tennessee Pipeline Co.*, No. 02-75164 (E.D. Mich. filed Dec. 23, 2002), did

not elect to be included in the relief provided to persons retiring between December 1, 2004, and April 1, 2005, and thus is entitled to no relief in this case.)

**IT IS ORDERED, ADJUDGED, AND DECREED**, that:

1. This Court has subject matter jurisdiction and venue over this action and personal jurisdiction over the parties as set forth in the Court's Opinions and Orders dated February 14 (R. 53) and November 15, 2005 (R. 83).

2. For the reasons set forth in an Opinion and Order issued on August 29, 2007 (R. 214), this Court declares, adjudges, and decrees that the plaintiff class is hereby entitled to vested lifetime retiree health care benefits from CNH America LLC as provided for in the labor agreements in effect at the time of their or their deceased spouses' retirement **and dismisses Plaintiffs' unripe claims for emotional distress damages without prejudice.**

3. In accordance with the Stipulated Order entered on January, 14, 2008 (R. 226), CNH Global N.V. is hereby ordered to guarantee CNH America LLC's performance of the obligations to the plaintiff class described herein.

4. For the reasons set forth in an Opinion and Order issued on August 29, 2007 (R. 212), Plaintiff Ronald Hitt's claims against CNH America LLC and CNH Global N.V. are hereby dismissed without prejudice, so that they can be resolved in *Yolton*, in which Mr. Hitt is already a class member.

5. Plaintiffs' request for a permanent injunction is withdrawn without prejudice.

6. This is a final judgment of this action. It is further ordered that the Clerk of the Court shall terminate this action from the dockets of this Court.

SO ORDERED.

Dated: February 15, 2008

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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